UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JUHA KALLIOKULJU, ATTE LANSISALMI,
YOUSUF SAIFULLAH, and KHIEM LE

Appeal 2007-0834
Application 09/757,913
Technology Center 2100

Decided: May 10, 2007

Before JOHN C. MARTIN, HOWARD B. BLANKENSHIP, and ST. JOHN COURTENAY III, *Administrative Patent Judges.*

COURTENAY, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-21.

THE INVENTION

The disclosed invention generally relates to relocating context information in header compression. More particularly, the disclosed

invention is based on the idea that the context updating of the compressor and decompressor is stopped in both the mobile terminal and the old network entity, which ensures that both the mobile terminal and the old network entity use the same context, after which a snapshot of the compression and decompression context information is taken in the old network entity and transmitted to the new network entity to be stored therein. The mobile compressor compresses at least one header of at least one packet with the said context information and transmits the compressed at least one header of at least one packet to the new network entity. Then the new network entity decompresses the received at least one packet of the at least one header with the stored decompression context information. Because the context information has not changed during the relocation process, the compressor of the mobile terminal and the decompressor of the new network entity are automatically in synchronism and the data transfer can be continued (Specification 1 and 4).

Representative claim 1 is illustrative:

1. A method of relocating the header compression context in a packet network which transmits packets having compressed headers, said method comprising:

establishing a connection between a mobile terminal and a first network entity including storing context information used with compression and decompression of the headers of the packets at the mobile terminal and the first network entity;

stopping the context information updating in the mobile terminal and in the first network entity;

taking a snapshot of the compression and decompression context information in the first network entity including storing said context information snapshot in the first network entity; and

changing the connection between the first network entity and the mobile terminal to a connection between the mobile terminal and a second network entity including transferring the context information snapshot stored by the first network entity to the second network entity which is stored by the second network entity as the context information of the second network entity and using the stored context information at the mobile terminal and the second network entity for compression and decompression of the headers of the packets.

THE REFERENCES

The Examiner relies upon the following references as evidence of unpatentability:

Chen	US 6,529,527 B1	Mar. 4, 2003
Maggenti	US 6,477,150 B1	Nov. 5, 2002

THE REJECTION

The following rejection is on appeal before us:

1. Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Chen in view of Maggenti.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Briefs and the Answer for the respective details thereof.

OPINION

Only those arguments actually made by Appellants have been considered in this decision. It is our view, after consideration of the record

before us, that the evidence relied upon does not support the Examiner's rejection of the claims on appeal. Accordingly, we reverse.

INDEPENDENT CLAIMS 1 and 12

We consider first the Examiner's rejection of independent claims 1 and 12 as being unpatentable over the teachings of Chen in view of Maggenti.

Appellants argue that the Examiner does not make any argument, or cite either reference [i.e., Chen or Maggenti] as disclosing taking a snapshot of the old compressor and the decompressor context information and delivering it to the new network entity after stopping the context information [updating] (Reply Br. 3).

The Examiner disagrees. The Examiner notes that Chen teaches the packet with its header (i.e., where context information is part of the header) is sent from one base station to another. The Examiner argues it is inherent that updating of any type within a packet must be stopped prior to sending the packets. The Examiner reasons that if packets are not stopped, they cannot have information changed within the packet (such as flags within the headers). In addition, the Examiner asserts that Chen also teaches the use of buffers to store packets if needed prior to sending out the packets. The Examiner concludes that this further indicates that packets (i.e., including header information, such as context information) are stopped prior to being sent out (Answer 16-17).

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598

(Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966). "[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Furthermore, "'there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness' . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 2007 WL 1237837, at *14 (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)).

We begin our analysis by noting that in the rejection of claims 1 and 12, the Examiner asserts that Chen teaches the limitations argued by Appellants (i.e., "stopping the context information updating ..." and "taking a snapshot of the compression and decompression context information ...") (*see* Answer 4; *see also* claim 1). However, when we look to the Examiner's rejection for specific citations for these argued limitations, there are none (Answer 4, ¶ 1). In responding to Appellants' arguments, the Examiner asserts that Chen *inherently* teaches "stopping the context information updating" as claimed (*see* Answer 16). Likewise, the Examiner asserts that Chen *inherently* teaches "taking a snapshot of the compression and decompression context information," as claimed. (See Answer 18, ¶ 2: 8-10,

i.e., "It is inherent that a snapshot can only be taken when all the data has been received as claimed. Otherwise, the snapshot would be useless").

After carefully considering both the Chen and Maggenti references, we find no specific teaching or suggestion within either reference that fairly meets the language of the claim that requires "stopping the context information updating...," and "taking a snapshot of the compression and decompression context information ..." (claim 1). We find that to affirm the Examiner on this record would require speculation on our part. Furthermore, the Court of Appeals for the Federal Circuit has determined that inherency may not be established by probabilities or possibilities. "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal citations omitted). Because we find the combination of Chen and Maggenti fails to teach or suggest all the limitations recited in the claim, we agree with Appellants that the Examiner has failed to meet the burden of presenting a prima facie case of obviousness. Accordingly, we will reverse the Examiner's rejection of independent claim 1 as being unpatentable over Chen in view of Maggenti.

Because independent claim 12 recites equivalent limitations, we will also reverse the Examiner's rejection of claim 12 as being unpatentable over Chen in view of Maggenti for the same reasons discussed *supra* with respect to claim 1. Because we have reversed the Examiner's rejection of each independent claim, we will not sustain the Examiner's rejection of any dependent claims under appeal. Therefore, we also reverse the Examiner's

rejection of dependent claims 2-11 and 13-21 as being unpatentable over Chen in view of Maggenti.

DECISION

In summary, we will not sustain the Examiner's rejection of any claims under appeal. Therefore, the decision of the Examiner rejecting claims 1-21 is reversed.

REVERSED

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